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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF

Tomlins et al.

SERIAL NO.: 09/470,629

FILED: December 22, 1999

FOR: COMMUNICATIONS NETWORK

) Examiner:
)
)) Group Art Unit:
)) 2739
)
))
))
)) Docket No.: 476-1871

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Box DAC, Washington DC 20231, on November 27, 2000.

Name of person signing Kathy Kurek

Signature Kathy Kurek

**REQUEST FOR RECONSIDERATION OF PETITION
UNDER 37 C.F.R. §1.47(a)**

Commissioner for Patents
Box DAC
Washington DC 20231

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OFFICE OF PETITIONS

Dear Sir:

This request for reconsideration is being submitted in view of the dismissal of the Petition previously filed. That dismissal was dated September 27, 2000 (Paper No. 6).

As the Supervisory Petitions Examiner indicated in the September 27, 2000 decision, the Patent and Trademark Office was missing, in its opinion, three items still required. The first is proof of pertinent facts, the second is a proper Oath or Declaration, and the third is the last known address of the omitted inventors.

Insofar as the pertinent facts are concerned, appended hereto is a Declaration of John Peter William Ryan, explaining the efforts that have been undertaken to locate the two inventors. To this date, those inventors cannot be located, nor can any address, at all, for Mr.

Bernstein be located. The last known address for Mr. Bahgat is 1420 McDowell Boulevard, North Petaluma, California. As indicated by Mr. Ryan in his Declaration, however, Mr. Bahgat is no longer at that address and cannot be found.

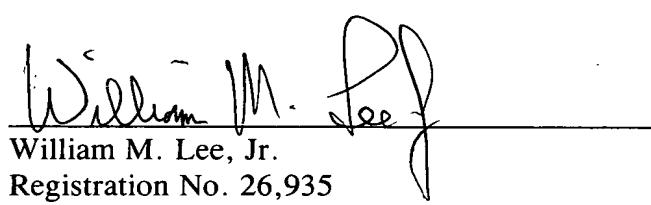
Insofar as the second requirement is concerned, also appended hereto is a copy of a proper Declaration, executed by Mr. Tomlins on October 31, 2000 on behalf of the non-signing inventors, Messrs. Bahgat and Bernstein. It is therefore submitted that this requirement has also been satisfied.

Finally, regarding the last known addresses of the inventors, as set forth two paragraphs above and in the Declaration of Mr. Ryan, no address of any kind for Mr. Bernstein can be located. Therefore, the last known address is, as set forth in the Declaration, the last known employment address for Mr. Bernstein. Insofar as Mr. Bahgat is concerned, the last known address, although not current, is set forth two paragraphs above.

It is therefore submitted that the requirements of the Patent and Trademark Office have been met, and this application should therefore proceed under 37 C.F.R. §1.47. Any further inquiries should be directed to the writer.

Respectfully submitted,

Date: November 27, 2000



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IN RE APPLICATION OF : TOMLINS, A. et al..
SERIAL NO: 09/470,629
FILED: December 22, 1999
FOR: COMMUNICATIONS
ASSIGNEE NETWORK
Nortel Networks Limited

DECLARATION

Honorable Commissioner of
Patents and Trademarks
Washington, DC 20231

In the matter of United States Patent Application No. 09/470,629, I John Peter
William Ryan of Nortel Networks Intellectual Property Law Group, London Road,
Harlow, Essex CM17 9NA, United Kingdom, make oath and say

1. I am a Chartered Patent Agent and a European Patent Attorney.
2. I was responsible for preparation in the United Kingdom of the filing documents relating to the above United States patent application.
3. When the United States patent application was filed, I was advised by one of the co-inventors (Mr A Tomlins) that two of the co-inventors (Mr G Bernstein and Mr O Bahgat) were no longer employed at the Nortel Networks Harlow Laboratories where the invention was first made.
4. At the time of filing, I was unable to establish a residential address for either Mr G Bernstein or Mr O Bahgat. Mr A Tomlins did not know of their whereabouts, and neither inventor had provided a forwarding address. The Nortel Networks UK Human Resource Centre have no records relating to either inventor, and in particular, no residence addresses. In the course of these enquiries, I have further established that the correct spelling of the name of the second missing inventor is "Osama Bahgat" The original misspelling "Bhagat" arose from an imperfect recollection by Mr. Tomlins.

5. I have searched the United Kingdom telephone directories for the commuter area surrounding the Nortel Networks Harlow Laboratories where the invention was made and found no listing for either Mr G Bernstein or Mr O Bahgat.
6. I have conducted Internet searches for each inventor using the Alta Vista and Excite People Finder directories. Telephone calls have been made to the nineteen Greg Bernsteins and three Osama Bahgats identified by this search, but none of these telephone calls has identified the particular inventors in question. Despite diligent efforts, neither Mr Bernstein nor Mr Bahgat has been located.
7. I have conducted further enquiries with Nortel Networks Human Resource Center in Canada as I now understand that both Mr Bernstein and Mr Bahgat were, at the time of making the invention, in the United Kingdom, temporary or contract employees briefly seconded from Canada to Nortel Networks' United Kingdom research operation. Neither Mr Bernstein nor Mr Bahgat provided a residential address to Nortel Networks UK Human Resource Centre during this period of secondment. I have further established that, on completion of their employment in the United Kingdom, both Mr Bernstein and Mr Bahgat left the United Kingdom without providing forwarding addresses, and shortly thereafter left Nortel Networks' employ. From my enquiries with their co-inventors, I now believe that both Mr Bernstein and Mr Bahgat are Canadian and returned to Canada on leaving their employment in the United Kingdom. It is believed that Mr Bahgat has since moved to the United States, although the last known address is no longer current. I have called the telephone number associated with that last known address in the Nortel Networks records for Mr Bahgat, but this telephone number has been discontinued.
8. The Nortel Networks Human Resource Center in Canada has confirmed that both Mr Bernstein and Mr Bahgat have terminated their employment with Nortel Networks. Further, Nortel Networks Human Resource Center in Canada has, to date, been unable to establish either a current or an obsolete residential address for Mr Bernstein.

9. From my enquiries, I have established that the Nortel Networks manager who was responsible for Osama Bahgat during his relatively brief employment with Nortel Networks has a file record indicating that Mr Bahgat did not sign the standard employment agreement that is presented to all new Nortel Networks employees. That being so, it is my belief that, even if Mr Bahgat were to be found, it is unlikely that his signature on the declaration and petition would be readily forthcoming.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued therefrom.

By 

John Peter William Ryan

23 November 2000